

# SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, April 18, 2007 - 3:30 p.m.

# CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at <a href="https://www.ci.stpaul.mn.us/council">www.ci.stpaul.mn.us/council</a> and click on Watch the Live Webcast

The meeting was called to order at 3:34 p.m. by Council President Lantry.

Present – 6 – Benanav, Bostrom, Harris, Helgen, Lantry, Thune Absent – 1 – Montgomery (excused)

Councilmember Thune moved suspension of the rules to introduce the following resolution: be Yeas - 6 Nays - 0

Resolution – 07-356 – Expressing sympathy to the family and the residents of the City of Nagasaki in the death of The Honorable Iccho Ito, Mayor of Nagasaki, Japan.

Councilmember Thune moved approval. Adopted Yeas - 6 Nays - 0

## **CONSENT AGENDA (Items 1 - 15)**

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Lantry requested Items 13 and 14 be removed for discussion. Councilmember Harris requested Item 12 be removed for discussion. Councilmember Thune moved approval of the consent agenda as amended. Adopted as amended Yeas - 6 Nays - 0

#### COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- Claims of Allstate Insurance Company (Marlene Wallgren), John Fischbach, Jr., SuAnne and Anthony Gipson, Xenophon Lee, and Lyssa Preble. Referred to Risk Management
- 2. Summons and Complaint in the matter of Cash-N-Pawn of Minnesota, Ltd., and Pawn America Minnesota, LLC vs. the City of Saint Paul et al.

  Referred to the City Attorney's Office
- Summons and complaint in the matter of Priester Construction Co. vs. the City of Saint Paul et al.
   Referred to the City Attorney's Office
- Statement of Claim and Summons in the matter of Heather Saurer vs. one seized 1998
   Ford Countour.
   Referred to the City Attorney's Office
- 5. Letters from the Department of Safety and Inspections, Code Enforcement Division, declaring 80 Sycamore Street East and 614 Wells Street as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
- 6. Administrative Orders:

D002649 Authorizing contract extension time to provide architectural and engineering services to Remodel of Heated Storage Building, 451 Burgess Street.

D002650 Authorizing expenditures in the amount of \$9,000 for Library Volunteer Recognition Event

On File in the City Clerk's Office

#### FOR ACTION

7. Approval of minutes of March 28, 2007.

Adopted Yeas - 6 Nays - 0

8. Resolution – 07-340 – Congratulating Vic and Florence Tedesco on their 60th Wedding Anniversary.

 $Adopted \qquad Yeas-6 \qquad Nays-0$ 

9. Resolution – 07-341 – Approving the decision of the Legislative Hearing Officer denying an appeal to an Inspection Report for property at 917 Jessamine Avenue East. (GS 3038614)

Adopted Yeas - 6 Nays - 0

10. Resolution – 07-342 – Approving the recommendation of the Legislative Hearing Officer and referring to the City Attorney for adverse action the license application for Liquor On Sale – Over 200 seats; Liquor On Sale – Sunday, Entertainment B and Restaurant (C) – Limited Licenses by Karen Selvig, President of Selvig, Inc., dba Cabs Pub and Eatery, 992 Arcade Street. (GS 3038613)

Adopted Yeas - 6 Nays - 0

11. Resolution – 07-343 - Granting authorization to proceed with a review and performance audit of City efforts related to inclusion in City/HRA economic opportunities.

Adopted Yeas - 6 Nays - 0

15. Resolution Approving Assessment – 07-347 – In the matter of the assessment of benefits, cost, and expenses for the Seventh/Daly RSVP for 1026 Pleasant Avenue, and setting date of public hearing for June 6, 2007. (GS 3038439)

Adopted Yeas - 6 Nays - 0

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#### FOR DISCUSSION

12. Resolution – 07-344 – Celebrating National Library Workers Day.

Councilmember Harris introduced Library staff Robyn Madsen and Cassandra Carr and presented them a proclamation recognizing all workers in the Library System.

Councilmember Harris moved approval of the resolution.

Adopted Yeas - 6 Nays - 0

13. Resolution – 07-345 – Accepting proposal on sale of approximately \$6,250,000 General Obligation Capital Improvement Bonds, Series 2007C, providing for their issuance, and levying a tax for the payment thereof. (GS 3038554)

Matt Smith, Finance Director, introduced Alexandra O'Leary of his staff who presented background information, the bidding process, and the winning bidder.

Councilmember Thune moved the resolution be approved indicating the winning bidder. Adopted as amended Yeas - 5 Nays - 0 Abstention - 1 (Harris)

14. Resolution – 07-346 – Accepting proposal on sale of approximately \$12,500,000 General Obligation Street Improvement Special Assessment Bonds, Series 2007D, providing for their issuance, and levying a tax for the payment thereof.

Alexandra O'Leary, Office of Financial Services, presented background information, the bidding process, and the winning bidder.

Councilmember Thune moved the resolution be approved indicating the winning bidder. Adopted as amended Yeas-6 Nays - 0

16. Presentation by Mayor Coleman of Sustainable Saint Paul Awards.

Mayor Coleman recognized and thanked Councilmember Harris for his dedication and service on behalf of our Armed Forces and their families and the Serving Our Troops event held on April 15, 2007.

Mayor Coleman referred to the Sustainable Saint Paul Awards and the 2007 recipients, which include the Saint Paul Public Schools, Great River Greening Project, Hour Car, Flannery Construction, Farm in the City, Capital Regional Watershed District, Arlington High School Urban Steward, Ororpa Yang (a Junior at Arlington High School), the Saint Paul Police Impound Lot, and Rick Person.

Council Member Thune moved suspension of the rules to introduce the following resolution: Yeas - 6 Nays - 0

Resolution – 07-357 – Honoring Recipients of the 2007 Sustainable Saint Paul Awards.

Councilmember Thune moved approval.

Adopted Yeas - 6 Nays - 0

17. Resolution – 07-300 – Approving the amended condition, per the Legislative Hearing Officer, for an Auto Repair Garage License for Christopher Walker, owner, dba Certified Auto, 977 Front Avenue. (Substitute introduced and laid over from April 4)

Councilmember Thune moved approval.

Adopted Yeas - 6 Nays - 0

#### **ORDINANCES**

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

18. Final Adoption – 07-212 – An ordinance amending the Charter of the City of Saint Paul to place the City Clerk under the authority of the City Council. (Laid over from April 11)

Councilmember Thune moved to lay over one week.

Laid over to April 25 for final adoption Yeas – 6 Nays - 0

19. Second Reading – 07-336 – An ordinance amending Chapter 33.07 of the Saint Paul Legislative Code to clarify language requirements regarding fencing at a corner lot location.

Laid over to May 2 for third reading/public hearing

20. First Reading – 07-348 – An ordinance amending Chapter 61 of the Saint Paul Legislative Code by adding a new section providing for the automatic termination of conditional use permits under certain conditions.
 Laid over to April 25 for second reading

Councilmember Thune moved suspension of the rules to introduce the following resolution: Yeas 6 Nays -0

Resolution – 07-358 – Vacating the stay and allowing enforcement agency to commence demolition proceedings at 66-68 East Stevens Street. (CF 07-121 and CF 07-297).

Councilmember Thune moved approval. Adopted Yeas - 6 Nays - 0

The meeting was recessed at 4:05 p.m. and reconvened at 5:30 p.m.

Present – 6 – Benanav, Bostrom, Harris, Helgen, Lantry, Thune Absent – 1 – Montgomery (excused)

### **PUBLIC HEARINGS**

- Third Reading 07-293 An ordinance amending Chapter 409 of the Saint Paul Legislative Code to limit the use of funds deposited in the Youth Program Fund to provide fee waivers for youth participants in City recreation programs.
   No one appeared in opposition; Councilmember Thune moved to close the public hearing. Yeas 6 Nays 0
   Laid over to April 25 for final adoption
- Third Reading 07-294 An ordinance amending Section 98.04E (1) and (2) of the Saint Paul Administrative Code concerning entities and employees exempt from the living wage requirement.
   No one appeared in opposition; Councilmember Helgen moved to close the public hearing. Yeas 6 Nays 0
   Laid over to April 25 for final adoption
- 23. Third Reading 07-314 An ordinance amending Chapter 200 of the Saint Paul Legislative Code to disqualify certain individuals from licensing dogs. (GS 3038055)

No one appeared in opposition; Councilmember Thune moved to close the public hearing. Yeas -6 Nays -0 Laid over to April 25 for final adoption

24. Resolution – 07-349 – Approving the petition of Steve Nilsson, Capital Partners LLP, to vacate alley right-of-way in the West Seventh Street and Montreal Avenue block in order to consolidate property for redevelopment. (GS 3038293)

George Novak, 1117 Montreal Avenue, appeared stating he is a neighbor to this property and is in opposition to the alley vacation right-of-way.

Councilmember Harris moved to close the public hearing. Yeas - 6 Nays - 0

Councilmember Harris referred to and explained the TN zoning study by City staff a few years ago. He said that he, Public Works staff, and the District Council, are committed to developing this intersection and they need to move forward. The sound level is very bad and although he wishes there was a better solution pertaining to the intersection, he will be revisiting the issue. He said he has been in communication with the developers and they are willing to install fencing and plantings to make it more attractive.

Councilmember Harris moved approval. Adopted Yeas – 6 Nays – 0 25. Resolution – 07-350– Approving the petition of the Housing and Redevelopment Authority of the City of Saint Paul to vacate alley rights in the block bounded by East 4<sup>th</sup> and 5th Streets and Wacouta and Wall Streets in order to consolidate property for redevelopment.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas - 6 Nays - 0

26. Final Order – 07-351 – In the matter of the Operation Costs of the Above Standard Street Lighting System for Rice Park for 2007. (File No. 19041)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas - 6 Nays - 0

27. Resolution Ratifying Assessment – 07-352 – In the matter of the assessment of benefits, cost and expenses for the repair of sanitary sewer connections, at the request of the property owners, in conjunction with the Baker/Bellows Phase II RSVP project. (File No. 19014C2)

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to June 6.

Public hearing continued to June 6 Yeas – 6 Nays - 0

28. Public hearing to consider the application of Selby Area Community Development Corporation to rezone property at 940 Selby Avenue (between Chatsworth and Milton Streets) from B2 (Community Business) to TN1 (Traditional Neighborhood). (Zoning File 07-013-828)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and grant the application.

 $Motion \ of \ Intent-Application \ Granted \qquad Yeas-6 \qquad Nays-0$ 

29. Public hearing to consider the application of Ms. Alison Kern to rezone property from TN2 (Traditional Neighborhood) and VP (Vehicular Parking) to B2 (Community Business) at 1172-1180 Arcade Street, 0 Rose Avenue, and 838 Maryland Avenue East (southeast corner of Maryland Avenue and Arcade Street). (Zoning File 07-022-851)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and grant the application.

Motion of Intent – Application Granted Yeas - 6 Nays – 0

30. Resolution – 07-353 – Ordering the owner to remove the building(s) at 1130 Margaret Street within five (5) days from adoption of resolution. (Legislative Hearing Officer recommends removing the building(s) within five (5) days with no option for repair.)

Marcia Moermond, Legislative Hearing Officer, stated the property owner did not appear for the Legislative hearing. She recommended the building be removed within five days with the amendment of no option for repair.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval as amended.

Adopted Yeas -5 Nays -0 (Thune not present)

31. Resolution – 07-354 – Ordering the owner to remove the building(s) at 537 Topping Street within five (5) days from adoption of resolution. (Legislative Hearing Officer recommends removing the building(s) within five (5) days with no option for repair.)

Marcia Moermond, Legislative Hearing Officer, stated the property owner did not appear for the Legislative hearing. She recommended the building be removed within five days with the amendment of no option for repair.

Norman Kowalski, 541 Topping Street, appeared in support of the removal of this building, and he spoke to its history of problems. Mr. Kowalski also referred to elm trees located in the driveway of the property and asked if the trees and stumps will be removed as part of the process.

There was a brief discussion and agreement that Mr. Kowalski would speak to the house removers to determine if the tree and stumps can be removed.

Councilmember Helgen moved to close the public hearing and approval. Adopted Yeas - 6 Nays - 0

Councilmember Harris acknowledged and welcomed students from Macalester College who were present in the Chambers attending the City Council meeting.

(Councilmember Helgen was excused from the meeting at this time)

32. Resolution Ratifying Assessment – 07-355 - In the matter of the assessment of benefits, cost and expenses for summary abatement (property clean-up) from January 16, to January 30, 2007 for property at 1778 Margaret Street (J0702A1) (Public hearing continued from April 4) (Legislative Hearing Officer recommends approval of the assessment.)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas - 5 Nays - 0

- 33. Resolution Ratifying Assessment 07-171 In the matter of the assessment of benefits, cost and expenses for summary abatement (property clean-ups) from December 1, to December 27, 2006 (J0618A); providing weekly garbage hauling services from December 5 to December 27, 2006 (J0616G). (This item was reconsidered and laid over from February 28, 2007.) (Legislative Hearing Office recommends the following:
  - 21 Acker Street West (J0618A) approve the assessment;
  - 21 Acker Street West (J0616G) reduce the assessment from a total of \$320 to a total of \$220;
  - 690 Conway Street (J0618A) approve the assessment;
  - <u>1080 Earl Street</u> (J0618A) lay over to the May 15 Legislative Hearings and the May 16 City Council public hearings;
  - $\underline{1580\ Edgerton\ Street}\ (J0618A)$  approve the assessment and spread the payments over five (5) years;
  - <u>606 Jessamine Avenue East</u> (J0616G) approve the assessment and spread the payments over five (5) years;
  - $\underline{1684\ Stillwater\ Avenue}\ (J0618A)\ -\ recommendation\ is\ forthcoming\ -\ \underline{Laid\ over\ one}\ \underline{month\ with\ public\ hearing\ continued};\ and$
  - 585 Thomas Avenue (J0616G) approve the assessment and spread the payments over five (5) years.)

Marcia Moermond, Legislative Hearing Officer, referred to property at 1684 Stillwater stating she recommends a one-month lay over with the public hearing continued at that time. She also referred to the two separate assessments for 21 Acker Street West and stated her recommendation for a combined assessment total is \$520.00

Mindy Ostrow Price appeared stating she is the Property Manager of 21 Acker Street West and spoke in opposition to the assessment stating it is a high fee.

Councilmember Bostrom moved to close the public hearing and approval as amended. Adopted as amended (per the recommendation of the Legislative Hearing Officer)

$$Yeas - 5$$
  $Nays - 0$ 

34. Appeal of Monica Wietgrefe to an Amended Notice of Condemnation for property at <u>775</u> <u>Ivy Avenue West</u>. (Public hearing continued from April 4) (Legislative Hearing Officer recommends denying the appeal on the condemnation order and continuing the order on the vacate date.)

Marcia Moermond, Legislative Hearing Officer, presented her staff report recommending the appeal be denied with the vacate date continued.

No one appeared in opposition; Councilmember Thune moved to deny the appeal on the condemnation order and continuing the order on the vacate date

Appeal denied on the condemnation order and continuing the order on the vacate date (per the recommendation of the Legislative Hearing Officer)

Yeas -4 Nays -0 (Harris not present)

ATTEST:	ADJOURNED at 6:40 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by:	May 9, 2007
Pattie Kelley	Minutes approved by Council